

Drunk Driving Trust Fund Victim Services Grant



Program Guidelines JULY 2005

**Massachusetts Victim and Witness Assistance Board
Massachusetts Office for Victim Assistance**

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I. Introduction

A. The Massachusetts Office for Victim Assistance

The Massachusetts Office for Victim Assistance (MOVA) was first established by law in 1984 as an independent state agency whose purpose is to advocate for and assist victims of crime. The activities of MOVA are governed by the Victim and Witness Assistance Board, whose chairman is the Attorney General, and whose other four Board members consist of two district attorneys and two crime victims. The Board, together with the MOVA staff, sets policy for crime victim issues and improves services to victims of crime in the Commonwealth. MOVA and its Board have administered funding for victim services programs since 1984.

B. Legislative History

The Drunk Driving Trust Fund (DDTF) was created by Chapter 52 of the Acts of 2002, which enacted Section 66 of Chapter 10 and changed Section 24(1)(a)(1) of Chapter 90 of the Massachusetts General Laws. It was enacted on March 8, 2002.

Anyone who is convicted, placed on probation, granted a continuance without a finding, pleads guilty to, admits to a finding of sufficient facts for operating a motor vehicle while under the influence of intoxicating liquor, marijuana, narcotic drugs, depressants or stimulant substances is subject to an assessment of \$50.

The courts collect this assessment, which is not subject to waiver for any reason. This assessment is in addition to, not in lieu of, the Victim/Witness Assessment in Massachusetts General Laws Chapter 258B, or any other fee imposed by the court. The State Treasurer is the custodian of the fund.

II. Victim Populations

According to the legislation, funding will go to community-based programs in Massachusetts. Funding will support services directed toward the needs of survivors, surviving family members, witnesses, and secondary victims of OUI incidents. Secondary victims refer to family members and loved ones of primary victims and/or individuals indirectly affected by these OUI incidents. The term “victims” will be used to refer routinely to these client populations throughout these guidelines.

III. Agency and Program Eligibility Criteria

A. Agency Capacity

Funding will be targeted at community-based, nonprofit agencies that can demonstrate a record of providing effective services to crime victims. The program must have the approval and support of the agency’s Board of Directors in applying for DDTF funding. Nonprofit applicants must have filed a report for the most recent period with the Attorney General’s Division of Public Charities. The program must have IRS Section 501(c)(3) status.

B. Demonstrate Record of Effective Services

The agency must have a history of providing direct victim services, preferably including services to victims of OUI crimes, in a cost-effective manner, and financial support from other sources. New programs that have not yet demonstrated a record of providing OUI victim services may be eligible to receive DDTF funding if they can demonstrate financial support for a minimum of two years and currently provide services that are particularly relevant to the OUI victim population. An example of this would be a program that has experience in trauma work and has a plan developed that includes gaining OUI expertise.

C. Coordinated Public and Private Efforts

To ensure continuity of support for the victim and to avoid duplication of effort, a program must demonstrate that it coordinates its activities with other community and criminal justice-based service providers in the community. A minimum of two letters of support are required as verification. One of these letters must be from the program's District Attorney's Office, while the others may come from other providers.

During the grant cycle, MOVA will convene DDTF-funded staff, program supervisors, and other appropriate participants to develop a statewide approach to the effective delivery of DDTF services and to further address the corresponding collaborative needs of funded agencies. **Funded agencies are required to participate in all MOVA-sponsored meetings to address this planning process.** This process will serve to: 1) develop a collaborative service delivery strategy across programs; 2) explore public awareness support to the statewide network; 3) address effective service delivery strategies for victims of OUI crimes; 4) determine other necessary key players to include in this collaboration, locally and statewide; and, 5) determine future training needs for DDTF-funded staff.

D. Assist with Victim Compensation

To meet the minimum eligibility requirements, applicants must adhere to the following: maintain a supply of crime victim compensation brochures and applications; establish agency policies and procedures to identify clients who may be eligible for crime victim compensation benefits; ensure agency staff is familiar with the crime victim compensation program; and provide assistance to clients in filling out applications. The purpose of this provision is to ensure that victims are aware of, and appropriately accessing, victim compensation benefits.

E. Public Awareness Campaigns

Agencies must make every effort to obtain free services to inform the public of the mission and purpose of their program. Public service announcements, local calendars of events, and other pro bono services must be sought out to advertise, promote, and educate the public about the facts related to the issue and the services that are available.

F. Comply with DDTF Provisions and Guidelines

Applicants must adhere to these guidelines which have been updated specifically for RFR file number 2006DDTFMOVA. As written in these guidelines, applicants must maintain appropriate programmatic and financial records that fully disclose the amount and disposition of DDTF funds received.

G. Client-Counselor Confidentiality

Applicants must have written policies to ensure that confidential client information is not released without the consent of the client. This confidentiality provision does not override existing state law governing the disclosure of information under mandatory reporting statutes, (e.g., suspected child abuse or court orders). A copy of the policy must be provided as part of the application process.

H. Abide by Additional Eligibility Criteria

Applicants must abide by criteria established by the Board and MOVA, including submitting statistical and programmatic information on the use and impact of DDTF funds, as requested by MOVA.

I. Provide Direct Services to OUI Victims at No Charge

Contracted services refer to those services outlined in the program narrative and the program timetables. Any deviation from this provision requires prior approval by MOVA. All direct services provided by DDTF-funded staff must be free of charge to victims.

J. Program Income

No program income can be generated through the use of DDTF funds. The program may charge registration fees for trainings for providers if it is necessary to cover overhead costs; however, it **cannot make a net profit** while doing so. Educational programs for survivors must be provided free of charge.

K. Non-Discrimination

By state law, any agency entering into contractual agreement with the Commonwealth must comply with all applicable state statutes, rules, and regulations prohibiting discrimination in employment and service delivery, including but not limited to:

1. Civil Rights. Title VI of the Civil Rights Act of 1973, as amended; Title IX of the Education Amendments of 1972, as amended; the Age Discrimination Act of 1975, as amended; OBRA of 1975, as amended; Title VII of the Civil Rights Act of 1964, as amended; 29 USC s.791 et seq.; Executive Orders 227 and 237; M.G.L. c.151B; and M.G.L. c.272, s.92A, s.98 et seq., or any amendments to these provisions.

2. Disabilities. Americans with Disabilities Act, 42 USC 12101 et seq., 28 CFR Part 35; Executive Orders 227 and 246; M.G.L. c.151B; and M.G.L. c.272, s.92A, s.98 et seq., or any amendments to these provisions.

IV. Eligible Services

A. Allowable Costs.

DDTF funding is available for comprehensive services for OUI victims. This may include, but is not limited to, advocacy, counseling, and public outreach. Allowable costs include:

1. Direct service personnel. Funding supports positions that provide counseling, advocacy, and other support services for victims and significant others who have been directly impacted by persons driving under the influence of drugs or alcohol.

Funded positions may additionally provide **public outreach**, which may include training or public education, when its purpose facilitates referrals to DDTF providers for direct services. For the purposes of this grant, public outreach is considered any activity that targets the general public in order to increase public knowledge that: a) resources and services are available to those who witness, are victims, or are directly impacted by such a crime, b) the consequences of driving under the influence of drugs or alcohol have a significant impact on the lives of victims and their significant others, and c) that driving under the influence of alcohol and drugs is a crime and that those impacted by such crimes may qualify for services. All methods of public outreach must:

- Be clearly outlined within the RFR. (Any change to the scope of services proposed in the RFR must be pre-approved by MOVA through a written request to the DDTF Program Manager.)
- Track the number of referrals received based on each outreach effort, and report this information to MOVA with quarterly statistics.
- Include referral information to all DDTF providers, or a method of access to such information.
- Use approved funding language as outlined in Section V. D.

2. Transportation costs and child care costs. In order to facilitate access to counseling, advocacy, and support services and to reduce barriers to such services, agencies may reasonably budget for transportation costs and child care costs that support victim access to DDTF direct services.

3. Expenses for Public Awareness Initiatives. Agencies may allocate no more than 20% of their proposed grant award to public awareness costs. Such initiatives must include referral information for all DDTF-funded agencies, and the funding tag line. Agencies must make every effort to take advantage of promoting services and educating the public through resources that promote free advertisement and recognition, such as public service announcements, local calendars of events, and pro bono services that are sought out by the agency. (See Section III. E.)

4. Costs that are necessary and essential to providing direct services: such as pro-rated costs of rent, telephone service, and local travel expenses for direct service providers.

B. Other Considerations.

Agencies applying for DDTF funds are encouraged to:

1. Utilize and recruit volunteers to support DDTF services and enhance community involvement within the program.
2. Develop diverse training initiatives that increase public awareness of services available to victims who are impacted by persons driving under the influence of drugs or alcohol.
3. Provide services that complement existing public and community-based services.
4. Consider funding at minimum one FTE whose main focus is to strengthen and develop the DDTF-funded program while providing allowable services.

Regardless of the type of service provided, **DDTF-funded programs must provide free services to OUI victims.** DDTF-funded programs must also agree to inform victims of Victim Compensation and assist with the application process.

C. Unallowable Costs.

*The following list of services, activities and costs **cannot** be supported with DDTF funds:*

1. Exclusive perpetrator rehabilitation and counseling. Subgrantees cannot knowingly use DDTF funds to exclusively provide perpetrator rehabilitation and/or counseling.

2. Fundraising activities performed by DDTF-funded staff during DDTF hours.

3. Indirect organizational costs such as liability insurance on buildings and vehicles; capital improvements and/or repairs made to leased buildings; security guards and body guards; property losses and expenses; real estate purchases; mortgage payments; construction costs.

4A. Out-of-pocket victim expenses incurred as a result of a crime or to supplement crime victim compensation awards to victims of crime for such costs as funeral expenses, lost wages, medical bills, etc. (*Transportation costs and child care costs are exceptions to this when such costs impose a barrier to receiving services. See Section IV. A. 2.*)

4B. Medical costs. DDTF funds cannot support medical costs resulting from victimization. DDTF funds cannot pay for nursing home care, home health-care costs, inpatient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment.

5. Generating a net profit on DDTF-funded personnel time. All DDTF-funded direct services are to be provided free of charge. Training fees can be charged by the program to cover overhead expenses; however, generating a net profit is unallowable.

6. Supplantation. All DDTF subgrant recipients must maintain adequate accounting and control procedures to ensure that DDTF funds are not used to reimburse expenses funded by or charged to other funding sources. Any duplication of funding sources to support a service already funded by DDTF is considered supplantation and is not allowed.

V. Financial Policies and Procedures

A. Budgeting and Reimbursement for Expenditures

1. Program budgets must include only those expenses to be paid by DDTF funding.

Please note: DDTF-funded direct services must be provided at no cost to victims. It is unallowable to generate a net profit on DDTF-funded personnel time.

Budgets are submitted to MOVA during the application process and reviewed by the DDTF Procurement Team designated by MOVA. Budgets should not be considered finalized and DDTF subgrantees should not commit funds until a fully signed contract with MOVA is executed.

2. With prior approval by MOVA's DDTF Program Manager, funding between approved program budget line items may shift **up to 10%** during the grant period. Moreover, any program change must be put forth in writing to MOVA to be in compliance with the applicant's Commonwealth service contract.

3. Reimbursements will be made only for expenses included in the approved program budget and application, and only after the approved expenses are incurred and expended. **Back-up documentation for expenditures must be submitted with the invoice.**

Dividing any approved budget line item total by twelve or four to get invoice totals (also known as 1/12th and 1/4th billing respectively) is unallowable. Requests for reimbursement must be submitted on forms provided by MOVA on a monthly or quarterly basis.

4. **Reimbursement invoices are processed on the 15th day of each month** or on the next business day if the 15th falls on a holiday or weekend. Consistent with the Commonwealth's payment policy, payments will be issued no later than 30 days after the 15th for all error free invoices received by MOVA on or before the 15th. Invoices received after the 15th are processed during the next month's cycle. Agencies may check on their reimbursements for the current and past fiscal year by accessing the MASSfinance VendorWeb site at:

<https://massfinance.state.ma.us/VendorWeb/vendor1.asp>.

5. **DDTF funds may not be subcontracted to other organizations to provide services.** Limited use of consultants, as described in the approved program narrative/budget, is allowable.

6. DDTF funds may only be used for approved allowable services as specified in the program narrative and allowable related services delivered during the contract period. **Final invoices must be received by August 1, 2007 at 4:00pm.** Remaining funds will be reverted to MOVA after this time.

7. If a program budgets for a specific salary or salary increase, it is expected that the DDTF-contracted employee be paid that amount. Agencies can pay DDTF funded employees more than the budgeted amount. Moreover, agencies that wish to pay DDTF funded employees less than the budgeted amount must contact MOVA two weeks in advance for approval. Agencies can use DDTF funds to pay employee salary increases only after prior approval from MOVA.

B. Timecards

For DDTF-funded staff, DDTF time must be delineated on the time sheet, and from other funding sources, by associating the term “DDTF” with the hours worked on the DDTF subgrant program. Any other method used to divide staff time between or among funding sources must have advance approval from MOVA and comply with state audit standards and generally accepted accounting procedures.

C. Accounting and Independent Audit Procedures

1. All DDTF subgrant recipients must maintain adequate accounting and control procedures to ensure that DDTF funds are not used to reimburse expenses funded by or charged to other funding sources. Any duplication of funding sources to support a service already funded by DDTF will be considered supplantation and is not allowed.

2. All DDTF subgrant recipients must keep appropriate programmatic and financial records that fully disclose the amount and disposition of DDTF funds received. This includes financial documentation for disbursements; daily time and attendance records specifying time devoted to DDTF allowable services; client files; records documenting the portion of the project funded by other sources; and other records which would facilitate an effective audit. All accounting records must be made available upon request to MOVA staff or their agents. All invoices submitted to MOVA must include back-up documentation for expenditures.

3. All DDTF subgrant recipients must comply with Generally Accepted Accounting Procedures (GAAP) and applicable state laws, rules, and regulations.

D. Funding Source Attribution Statements

All materials publicizing or resulting from grant activities produced by a DDTF-funded program (e.g. publications, flyers, pamphlets, advertisements, press releases, and notifications) must contain an acknowledgment of the funding source and grant administrator. An acknowledgment of support shall be made through use of the following footnote: *“This project was supported by the Massachusetts Office for Victim Assistance (MOVA) through the Drunk Driving Trust Fund (DDTF).”*

E. Funding Obligation

The Board's obligation to pay under this grant program is contingent upon receipt of DDTF funds. The Board may terminate any agreement with a DDTF-funded program if funds become unavailable at any time, as stated in the contract, or for non-compliance with any other terms stated in the contract or contract appendices.

VI. Program Policy and Reporting Requirements**A. Delays**

The Board reserves the right to revise scheduled dates for DDTF subgrant applications and reviews. Any changes in the scheduled dates will be posted on the state procurement Web site: www.comm-pass.com.

B. Certifications, Terms, and Conditions

The application and Service Contract spell out certifications and terms and conditions that must be fully understood and executed in order to enter into a contract with the Commonwealth. The Service Contract refers specifically to the personnel outlined on the budget, the services put forth on the program narrative and the objectives outlined on the program timetables. **Any program change must be put forth in writing to MOVA to be in compliance with the applicant's service contract.** Applications will not be approved without a full set of signed certifications (included in the application for funding). All DDTF-funded services are additionally subject to the requirements of this DDTF Program Guidelines Manual.

C. Termination and Default

MOVA will work with the program to resolve issues of non-compliance and reserves the right to terminate a contract at any time. Termination and default procedures are expressly stated in the Service Contract.

D. Waivers

The Board, through the Massachusetts Office for Victim Assistance (MOVA), may waive any provision within its authority contained in this Program Manual. Waivers cannot be given for provisions that are beyond the scope of the Board's authority. Any program that desires a waiver of any of the provisions of this Program Manual must initiate the process in writing. A written request for a waiver does not excuse a program from following the provisions of this Program Manual. The Board, through MOVA, may choose to grant a request, grant a request in part, or not grant a request for a waiver.

E. Requirements

DDTF funded programs must comply with the following program requirements:

1. Submit statistical and programmatic reports every three month period as requested by MOVA. Statistics are to be reported on services provided only by DDTF paid staff, and any paid or unpaid staff or volunteers of the DDTF subgrant program. Services provided by other staff must not be included in the statistical report.

A blank statistical report form will be available to the DDTF subgrant program from the MOVA Web site: www.mass.gov/mova or from the DDTF Program Manager. This form must be used to submit the statistical reports which will be submitted six times during the grant cycle. Instructions on completing the report are included in the form.

Subgrantees are responsible for submitting a current, completed statistical report for the project period after the close of each three month period. Programs must complete the cover page of each report with the correct reporting period and report due date. Reports are due in the MOVA office within a month of the closing reporting period. The reporting period and due dates for this funding cycle are as follows:

Period 1: January 1 – March 31, 2006	Due Date: April 30, 2006
Period 2: April 1 – June 30, 2006	Due Date: July 31, 2006
Period 3: July 1 – September 30, 2006	Due Date: October 31, 2006
Period 4: October 1 – December 31, 2006	Due Date: January 31, 2007
Period 5: January 1 – March 31, 2007	Due Date: April 30, 2007
Period 6: April 1 – June 30, 2007	Due Date: July 31, 2007

Subgrantees must follow reporting timeframes established by MOVA if different from that listed above. Subgrantees should seek guidance from MOVA staff if they do not understand the forms or the instructions, or are unsure as to how a case should be reported.

2. Report any change in DDTF-funded personnel to MOVA within two weeks of the time the program director has received or issued a notice necessitating a change in DDTF funded staff. Use the programmatic change form provided with issued contract. MOVA must have the resumes of all DDTF-funded personnel on file. **Any and all budget changes must be requested in writing to MOVA and approved prior to the change. This includes hiring temporary personnel for DDTF-funded vacancies.**

3. DDTF-funded personnel who take extended leave or terminate a position cannot be billed to the DDTF beyond the accrued vacation and sick time, not to exceed 6 weeks. Program policy that provides extended paid medical leave or paid family medical leave beyond 6 weeks cannot receive reimbursement from the DDTF. Sick or Vacation time charged to the DDTF subgrant must be well documented on timecards and outlined in the agency personnel manual.

4. Report any changes in the program structure which affect the quantity or quality of service delivery two weeks prior to implementation of the programmatic change.

5. Maintain client-counselor confidentiality. DDTF subgrantees cannot use or reveal any client information without the consent of the client. MOVA reserves the right to review any documentation to confirm that counseling sessions did occur, for the purposes of program monitoring. This confidentiality provision does not override or repeal existing state law governing the disclosure of information under mandatory reporting statutes.

6. Cooperate with MOVA in monitoring the project. Monitoring activities include, but are not limited to, participation in a planning process to develop a statewide approach to the effective delivery of DDTF services and its corresponding collaborative needs, site visits by MOVA staff, progress reports on implementation of goals and objectives, and submission of financial records and statistical performance reports, as required by MOVA. MOVA must be allowed access to written information or other materials made or received by the provider in conjunction with the grant program. It is expressly understood that substantial evidence of the provider's refusal to comply with this provision shall constitute a breach of contract. This provision does not apply to confidential client records.

7. Retain all financial records, supporting documents, statistical reports, and other documents pertaining to the contract for a period of seven years after the termination of the contract, or if an audit has not been resolved at the end of seven years, the records shall be retained until the resolution of the audit findings.

8. Avoid Conflicts of Interest. Agencies must comply with state rules which prohibit the use of public funds for personal gain. Subgrantees must avoid any actions which might result in, or create the appearance of, using public funds or publicly funded positions for private gain, for giving preferential treatment to any person, or adversely affecting the confidence of the public in the integrity of the government or the DDTF-funded program. Subgrantees may not refer clients seeking or receiving DDTF-funded services to the private practice of any employee, official, or person affiliated with the grantee.

VII. Appendix

A. M.G.L.A. 10 § 66

AN ACT ESTABLISHING A VICTIMS OF DRUNK DRIVING TRUST FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a victims of drunk driving trust fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by adding the following section:-

Section 66. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Victims of Drunk Driving Trust Fund. The fund shall consist of monies paid to the courts pursuant to the third paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90, together with any interest or earnings accrued on such monies through investment or deposit. The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all monies transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund. The state treasurer shall transfer funds from the income and receipts of the fund to the victim and witness assistance board, as established in section 4 of chapter 258B, from time to time, at the request of the board. The board shall award and administer grants from the fund, without further appropriation, to community-based programs in the commonwealth to provide counseling and support services to victims of accidents caused by persons driving under the influence of drugs or alcohol. The board shall develop, in conjunction with the department of public health's bureau of substance abuse and the Massachusetts chapter of Mothers Against Drunk Driving, written criteria for the awarding of those grants, which shall be evaluated and, if necessary, revised on an annual basis. For the purposes of this section, the word "victim" shall have the same meaning as defined in section 1 of said chapter 258B.

The board shall file a report detailing the amount of funds collected and expended from the fund along with a copy of the written criteria used to expend the funds to the house and senate committees on ways and means not later than August 15 of each calendar year. An amount not to exceed 5 per cent of the total funds deposited in the fund may be expended by the board for administrative costs directly attributable to the grants and programs funded by the fund, including, but not limited to, the costs of clerical and support personnel. Any unexpended balance of monies in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure from such fund in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

SECTION 2. Subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

There shall be an assessment of \$50 against a person who is convicted, placed on probation or granted a continuance without a finding or who otherwise pleads guilty to or admits to a finding of sufficient facts for operating a motor vehicle while under the influence of intoxicating liquor or under the influence of marihuana, narcotic drugs, depressants or stimulant substances, all as defined by section 1 of chapter 94C, pursuant to this section or section 24D or 24E or subsection (a) or (b) of section 24G or section 24L. The assessment shall not be subject to waiver by the court for any reason. If a person against whom a fine is assessed is sentenced to a correctional facility and the assessment has not been paid, the court shall note the assessment on the mittimus. The monies collected pursuant to the fees established by this paragraph shall be transmitted monthly by the courts to the state treasurer who shall then deposit, invest and transfer the monies, from time to time, into the Victims of Drunk Driving Trust Fund established in section 66 of

chapter 10. The monies shall then be administered, pursuant to said section 66 of said chapter 10, by the victim and witness assistance board for the purposes set forth in said section 66. Fees paid by an individual into the Victims of Drunk Driving Trust Fund pursuant to this section shall be in addition to, and not in lieu of, any other fee imposed by the court pursuant to this chapter or any other chapter. The administrative office of the trial court shall file a report detailing the amount of funds imposed and collected pursuant to this section to the house and senate committees on ways and means and to the victim and witness assistance board not later than August 15 of each calendar year.